

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 23, 2005

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Suzukawa, J. (Assigned) and S. Beaux, Deputy Clerk.

B179726 Alfredo V. et al. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

B170108 Mayberry
 v.
 City of Los Angeles

Merits:

Argued by Cornelia Dai for appellant and by Vivienne a. Swanigan, Deputy City Attorney, for respondent. Cause submitted.

Suzukawa, J. (Assigned), leaves the bench.

B173813 Marmureanu M.D. et al.
 v.
 Laks M.D.

Merits:

Argued by Alicia G. Rosenberg for appellant and by Timothy D. Reuben for respondents. Cause submitted.

Suzukawa, J. (Assigned), returns to the bench.

Vogel, J. leaves the bench.

DIVISION ONE (Continued)

B177588 Banc of America Investment Services Inc. et al.
 v.
 Superior Court, Los Angeles County
 (Bernheim, r.p.i.)

Merits:

Argued by Joshua H. Haffner for real party in interest and by Kathy M. Banke for petitioners. Cause submitted.

Vogel, J., returns to the bench.

Mallano, J., leaves the bench.

B162690 Myers
 v.
 Myers, Jr.

Merits:

Argued by Honey K. Amado for appellant William E. Myers, Jr. and by Gary J. Cohen for appellant Janine E. Myers. Cause submitted.

Mallano, J., returns to the bench.

Vogel, J., leaves the bench.

B166050 Armijo
 v.
 Miles et al.

Merits:

Argued by David C. Codell for appellant, by Jeremy B. Rosen for respondent Miles and by Joseph H. Fagundes for respondent Sherman Oaks Hospital. Cause submitted.

Court adjourned.

DIVISION ONE (Continued)

B172698 Monks, et al. (Not for Publication)
v.
City of Rancho Palos Verdes

The judgment is reversed. On remanded, the trial court shall conduct an evidentiary hearing in accordance with this opinion. Plaintiffs are entitled to costs on appeal.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Suzukawa, J. (Assigned)

DIVISION TWO

B177675 Los Angeles County, D.C.S. (Not for Publication)
v.
Arthur A.

The order of the juvenile court is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Nott, J.

B163115 The Oakland Raiders (Certified for Partial Publication)
v.
National Football League,
Paul Tagliabue et al.

The order granting a new trial is reversed. The trial court is directed to enter judgment in accordance with the jury verdict. In all other respects, the judgment is affirmed. The NFL is awarded its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
Nott, J.

February 23, 2005 (Continued)

DIVISION TWO (Continued)

B170640 Cohan (Not for Publication)
v.
City of Los Angeles et al.

The judgment. Respondents are awarded their costs on appeal.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

B174572 Smith et al. (Not for Publication)
v.
Baldwin Park Post 3197 et al.

The summary judgment is favor of respondent is affirmed. Respondent is awarded its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B171738 Verizon California Inc. (Not for Publication)
v.
Majich Bros. Inc.

The judgment in favor Majich is affirmed. Majich is awarded costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

February 23, 2005 (Continued)

DIVISION THREE

B167088 People (Not for Publication)
v.
McCann

The judgment is reversed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B171385 O'Malley (Not for Publication)
v.
Vick

The judgment is reversed and the trial court is directed to proceed in accord with the views expressed herein. Appellant is to recover her costs on appeal.

Hastings, J.

We concur: Epstein, P.J.
Grimes, J. (Assigned)

B164800 Kim et al. (Not for Publication)
v.
Kim et al.

The order granting the motions to quash and dismissing this action against respondents is affirmed. Respondents and cross-appellants shall recover their costs on appeal.

Grimes, J. (Assigned)

We concur: Epstein, P.J.
Hastings, J.

DIVISION FOUR (Continued)

B173420 Cabrera (Not for Publication)
v.
ERT Corporation et al.

The judgment is affirmed.

Grimes, J. (Assigned)

We concur: Hastings, Acting P.J.
 Curry, J.

B171761 People (Not for Publication)
v.
Barajas

The judgment is modified as follows: appellant is awarded 590 days credit for presentence custody; and the ten-year enhancement imposed pursuant to Penal Code section 186.22, subdivision (b), is stricken. The trial court is directed to amend the abstract of judgment accordingly and to forward a copy thereof to the Department of Corrections. As modified, the judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.
 Curry, J.

B173371 People (Not for Publication)
v.
Ayala

The judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.
 Curry, J.

February 23, 2005 (Continued)

DIVISION FOUR (Continued)

B167613 People (Not for Publication)
v.
Ortega

Appellant's sentence is reversed and the matter remanded with directions to conduct further proceedings consistent with this opinion. In all other respects, the judgment is affirmed.

Grimes, J. (Assigned)

We concur: Epstein, P.J.
Hastings, J.

B173126 People (Certified for Publication)
v.
Gonzalez

The judgment is affirmed.

Grimes, J. (Assigned)

We concur: Hastings, Acting P.J.
 Curry, J.

DIVISION SIX

B171945 People (Not for Publication)
v.
Ayala

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

February 23, 2005 (Continued)

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B172708 People v. Juarez (Not for Publication)

We dismiss the appeal.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B170579 People (Not for Publication)
v.
Camarena

The order denying the motion to vacate is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

February 23, 2005 (Continued)

DIVISION SIX (Continued)

B172037 People (Not for Publication)
v.
Espinoza

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B168889 Calcagno
v.
Calcagno

Filed order denying petition for rehearing.

DIVISION SEVEN

B177453 State of Calif. Employment Development Dept. (Not for Publication)
v.
Workers Compensation Appeals Board
Kral, Respondent

The decision of the WCAB is annulled, in part, in order to apply apportionment under S.B. 899 and new sections 4663 and 4664. The decision is otherwise affirmed. The matter is remanded for further proceedings consistent with this decision.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B172577 Grimwade (Not for Publication)
 v.
 Alberti

The judgment is affirmed. Grimwade is to recover his costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

B168745 People (Not for Publication)
 v.
 Hannani

The order imposing a victim restitution fee is vacated, and the judgment is modified accordingly. As modified, the judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B175975 People (Not for Publication)
 v.
 De La Torre et al.

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B163811 Panles Chapados De Encino S.A. De C.V., et al. (Not for Publication)
v.
Seguros Comercial America S.A. De C.V., et al.

The judgment is reversed. the trial court's order sustaining the demurrer to the fourth cause of action without leave to amend is affirmed; the order sustaining the demurrers to the first, second and third causes of action is reversed; and the cause is remanded for further proceedings not inconsistent with this opinion.

Perluss, P.J.

We concur: Johnson, J.
Zelon, J.

B170644 Union of American Physicians and Dentist
v.
LA County Chief Administrative Office et al.

Filed order vacating submission order of December 10, 2004. In accordance with Government Code section 68081 the parties are to provide supplemental briefing. Unless the court decides it desires oral argument on these issues, the cause will be resubmitted on or before April 11, 2005.

DIVISION EIGHT

B170275 People (Not for Publication)
v.
Cage

The judgment is reversed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (Continued)

B175160 Glendale Tenants Association (Not for Publication)

v.

City Of Glendale,

Property owners For Property Rights Protection

The judgment granting Glendale Tenants Association's petition for writ of mandate is affirmed. GTA is entitled to costs on appeal.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B178799 Peter Hubmann

v.

McKenna BMW et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed October 7, 2004) dismissed.